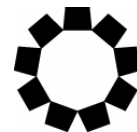


ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

AGENDA

ABAG EXECUTIVE BOARD MEETING NO. 426

Thursday, July 20, 2017, 7:00 PM

Location:

Bay Area Metro Center
Board Room
375 Beale Street
San Francisco, California

Committee Staff:

Steve Heminger, Executive Director

The ABAG Executive Board may act on any item on this agenda.

Agenda and attachments available at <http://abag.ca.gov/meetings/execboard.html>

This meeting is scheduled to be webcast live at <http://abag.ca.gov/meetings/execboard.html>

For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT

INFORMATION

3. ANNOUNCEMENTS

INFORMATION

4. PRESIDENT'S REPORT

INFORMATION

5. EXECUTIVE DIRECTOR'S REPORT

INFORMATION

A. Report on ABAG/MTC Option 7 Implementation Action Plan—Contract for Services and Memorandum of Understanding

Attachments: Memo Cap and Trade Update; Memo Federal FY 2018 Transportation and Housing Appropriations

ABAG Executive Board

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6. CONSENT CALENDAR

ACTION

Unless there is a request by an ABAG Executive Board member to take up an item on the Consent Calendar separately, the Consent Calendar will be acted upon in one motion.

A. Approval of Executive Board Summary Minutes of Meeting No. 425 held on May 18, 2017

Attachment: Summary Minutes of May 18, 2017

B. Adoption of Resolution No. 07-17—Approval of Terminating Participation in the STARS/UTC Deferred Compensation 457 Plan

Attachments: Memo Terminating Participation Deferred Compensation 457 Plans (Revised); Resolution No. 07-17 (Revised)

C. Adoption of Resolution No. 08-17—Confirming CEQA Determination for Phase 4 of the Google/San Francisco Bay Trail Resurfacing Project

Attachments: Memo Google SF Bay Trail Resurfacing Project; Resolution No. 08-17; CEQA Document Declaration

D. Adoption of Resolution No. 11-17— Request Approving the Acceptance of Non-Competitive Assistance Grant Funds from USGS to assess the HayWired Scenario with the Bay Area REMI Model.

Attachments: Memo USGS Non-Competitive Assistance Grant Funds; Resolution No. 11-17

7. ABAG LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT

ACTION

Committee Chair Scott Haggerty, Supervisor, County of Alameda, will report on Committee activities and request ABAG Executive Board approval of Committee recommendations.

Attachment: LGO Committee Agenda

Agenda and attachments available at <http://abag.ca.gov/meetings/>

8. ABAG FINANCE AND PERSONNEL COMMITTEE REPORT

ACTION

Committee Chair Karen Mitchoff, Supervisor, County of Contra Costa, will report on Committee activities and request ABAG Executive Board approval of Committee recommendations.

Attachments: FP Committee Agenda

Agenda and attachments available at <http://abag.ca.gov/meetings/>

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9. REQUEST ABAG EXECUTIVE BOARD APPROVE IN CONCEPT FORMATION OF A NEW CONDUIT ISSUER: ADVANCING CALIFORNIA FINANCE AUTHORITY (ACFA) AND DELEGATE TO THE ADMINISTRATIVE COMMITTEE EXECUTION OF A JOINT POWERS AGREEMENT FOR ACFA

ACTION

Attachment: Memo JPA Creating Advancing California Finance Authority

10. ADJOURNMENT

The next special meeting of the ABAG Executive Board is on July 26, 2017.

Submitted:

/s/ Steve Heminger
Executive Director

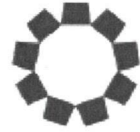
Date Submitted: July 7, 2017

Date Posted: July 13, 2017

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ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

TO: ABAG Executive Board

DATE: July 18, 2017

FR: Executive Director

RE: Cap and Trade Update

On Monday, July 17th, the Legislature passed AB 398 (E. Garcia) by a two-thirds margin, providing a 10-year extension of the state's cap-and-trade program for greenhouse gas (GHG) emissions. The vote included members of both parties, and not every Democrat voted in favor. By clearing a two-thirds margin, the bill defends the program against further challenges on the grounds that it constitutes an illegal tax (i.e. one not approved by a two-thirds vote, as required by the California Constitution).

Notably, a key litigant against the program, the California Chamber of Commerce, came out in support of AB 398 on the grounds that the flexibility provided to businesses under a cap-and-trade framework was preferable to a regulatory approach that the Air Resources Board could implement in the absence of cap-and-trade.

In addition to the climate protection benefits expected from the program and the important global leadership that its extension represents, AB 398 will benefit transportation and affordable housing as a result of the various programs funded by cap-and-trade allowances. This includes the Affordable Housing and Sustainable Communities Program, which receives 20 percent of funds, the Transit Capital and Intercity Rail Capital Program, which receives 10 percent of funds, and the Low Carbon Transit Operations Program, which receives 5 percent of funds. In addition, the California High Speed Rail Authority receives 25 percent of annual allowance revenue. Litigation over the program and the uncertainty of an extension had depressed allowance revenue over the last year. With enactment of AB 398 and the decision by the State Supreme Court not to hear an appeal by the California Chamber of Commerce on the program, allowance revenue seems likely to stabilize going forward.

A much-debated provision of the bill prohibits a local air district from adopting or implementing an emission reduction rule specifically targeted at reducing carbon dioxide from stationary sources that are also subject to the cap-and-trade program. The Bay Area Air Quality Management District strangely opposed this provision.

Following is a summary of AB 398 provisions:

- Extends the cap-and-trade program through 2030 and provides that the cap-and-trade regulation is the rule for petroleum refineries and oil and gas production facilities to achieve their reductions.
- Prohibits a local air district from adopting or implementing an emission reduction rule specifically targeted at reducing carbon dioxide from stationary sources that are also subject to the cap-and-trade program.

- Sets a price ceiling on allowances, requiring ARB to take certain factors into account, including the adverse impact on households, businesses and the state's economy and the full social cost of emitting a metric ton of GHG.
- Eliminates a fire prevention fee that had been imposed in the state's most fire-vulnerable counties. Declares legislative intent that cap-and-trade revenue be used to replace the \$89 million in annual funds that would have been collected by the fee.
- Establishes legislative priorities for cap and trade auction revenue through 2030. (Notably, the bill does not alter funding for the 60 percent of continuously appropriated transportation and housing programs referenced above.) The additional priorities are listed as follows:
 1. Air toxic and criteria air pollutants from stationary and mobile sources.
 2. Low- and zero-carbon transportation alternatives.
 3. Sustainable agricultural practices that promote the transitions to clean technology, water efficiency, and improved air quality.
 4. Healthy forests and urban greening.
 5. Short-lived climate pollutants.
 6. Climate adaptation and resiliency.
 7. Climate and clean energy research

In response to a significant push by environmental justice advocates, AB 398 was enacted along with a companion bill – AB 617 (C. Garcia), focused on reducing criteria air pollutants that harm public health.

Key provisions of AB 617 include:

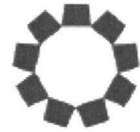
- Requires the ARB to improve its data collection and reporting methods from stationary sources.
- Requires local air districts to adopt an expedited schedule for implementing “best available control technology” retrofits to stationary sources with a deadline of December 31, 2023.
- Increases penalties from \$1,000/day to \$5,000/day for specified air pollution violations to account for inflation since the penalties were established in 1975. Requires local and statewide penalties to be increased annually according to the California Consumer Price Index.
- Requires ARB identify sites for the preparation of Community Emission Reduction Programs to be adopted by local air quality management districts.



Steve Heminger

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

TO: ABAG Executive Board

DATE: July 18, 2017

FR: Executive Director

RE: Federal Fiscal Year (FY) 2018 Transportation and Housing Appropriations

Summary

On July 17, 2017, the House Appropriations Committee approved the fiscal year (FY) 2018 Transportation, Housing and Urban Development and Related Agencies (THUD) spending package. The bill would allocate \$56.8 billion in discretionary spending, \$1.1 billion below FY 2017, with public transit and local housing programs absorbing most of the cuts. The memo includes short summaries of key transportation and housing provisions in the spending package, along with a budget comparison chart.

Transportation

Though not unexpected, it is good news that the bill would honor highway and transit formula commitments from the 2015 Fixing America's Surface Transportation (FAST) Act, providing an approximately \$1 billion increase from FY 2017. The Capital Investment Grant (CIG) program – the funding source for New Starts, Core Capacity, and Small Starts transit projects – would be funded at \$1.7 billion. These cuts are not as drastic as those proposed by the President, but still \$600 million below last year's funding levels. Despite the cuts, staff expects BART to Silicon Valley, Phase 1 and San Francisco Central Subway will receive allocations (\$97 million and \$23 million, respectively) to close out their federal full funding grant agreements (FFGA). There is less clarity at this time about funding levels for the Caltrain Peninsula Corridor Electrification Project, though the FFGA has the project scheduled to receive \$100 million in FY 2018. Caltrain is continuing to work with the Bay Area Congressional delegation on securing that dollar amount.

Of note, the spending package does not reflect the infrastructure package roughly outlined in the Trump Administration's FY 2018 Budget and accompanying fact sheet. However, it does include new provisions championed by Appropriations Committee Chair Rodney Frelinghuysen (R-NJ) to fund a major infrastructure project, the Gateway Program of passenger rail improvements in New York and New Jersey that includes new rail tunnels under the Hudson River. The bill would target 20 percent of all discretionary surface transportation funding to Gateway by eliminating the popular \$500 million Transportation Investment Generating Economic Recovery (TIGER) program and re-directing funds to the Federal-State Partnership for State of Good Repair program – which was created under the FAST Act to help fund Gateway – and setting aside nearly 25% of CIG for a newly-created category intended to fund the massive and badly needed project.

Housing

The FY 2018 THUD spending package rejects the President's FY 2018 Budget proposal to slash federal support for housing by 15 percent, or \$6.9 billion, but still funds programs at \$487 million below FY 2017 levels. The National Low Income Housing Coalition estimates that these levels are not sufficient to cover inflationary costs to ensure every household currently receiving housing assistance can remain in their homes, potentially eliminating more than 140,000 housing vouchers nationwide. In addition, the bill would continue the trend of reducing federal support for local community planning and development programs, cutting the flexible Community Development

Block Grant and the HOME Investment Partnerships programs by \$100 million each. The President's FY 2018 Budget had proposed to zero out funding for both of those programs.

The comparison chart below details FY 2017 and proposed FY 2018 federal funding levels for select surface transportation and housing programs.

Transportation, Housing and Urban Development Appropriations FY 2017 – FY 2018 Comparison Chart (Dollars in Millions)				
Program	FY 2017 Funding	FAST Act Authorization	President's FY 2018 Budget	FY 2018 House Appropriations Committee
<i>Department of Transportation</i>				
Highway Formula	\$43,266	\$44,234	\$44,234	\$44,234
Transit Formula	\$9,534 ¹	\$9,733	\$9,733	\$9,733
Capital Investment Grants	\$2,530	\$2,302	\$1,232	\$1,753
Transportation Investment Generating Economic Recovery	\$500	N/A	\$ -	\$ -
Federal-State Partnership for State of Good Repair	\$25	\$175	\$26	\$500
Amtrak (total)	\$1,495	\$1,600	\$760	\$1,428
<i>Department of Housing and Urban Development</i>				
Community Development Block Grant	\$3,000	N/A	\$ -	\$2,900
HOME	\$950	N/A	\$ -	\$850
Section 8 Rental Assistance Voucher Renewals	\$18,355	N/A	\$17,584	\$18,710
McKinney-Vento Homeless Assistance Grants	\$2,383	N/A	\$2,250	\$2,383
Public Housing Capital	\$1,942	N/A	\$628	\$1,850
Public Housing Operating	\$4,400	N/A	\$3,900	\$4,400



Steve Heminger

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¹ FY 2017 Appropriations Bill (HR 244) funded FTA core transit programs at \$9.7 billion (\$9.5 billion from the Transit Account for core formula programs and \$199 million for FTA positive train control funded from the Highway Trust Fund).

SUMMARY MINUTES (DRAFT)

ABAG Executive Board Meeting No. 425
Thursday, May 18, 2017
Bay Area Metro Center
375 Beale Street, Board Room
San Francisco, California

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ABAG President Julie Pierce, Councilmember, City of Clayton, called the meeting of the Executive Board of the Association of Bay Area Governments to order at about 7:01 p.m.

A quorum of the ABAG Executive Board was present at about 7:01 p.m.

Representatives and Alternates Present

Supervisor Candace Andersen
Director Laurel Arvanitidis, Industry Programs
Supervisor David Canepa
Supervisor David D. Cortese
Mayor Pat Eklund
Director Nicole Elliott, Leg and Gov Affairs
Mayor Leon Garcia
Mayor Liz Gibbons
Councilmember Lynette Gibson McElhaney
Supervisor Scott Haggerty
Mayor Barbara Halliday
Supervisor Erin Hannigan
Councilmember Dave Hudson
Mayor Wayne J. Lee
Supervisor Karen Mitchoff
Councilmember Julie Pierce
Supervisor David Rabbitt
Director John Rahaim, Planning
Supervisor Dennis Rodoni
Councilmember Carlos Romero
Vice Mayor Greg Scharff
Mayor Trish Spencer
Supervisor Norman Yee

Jurisdiction

County of Contra Costa
City and County of San Francisco
County of San Mateo
County of Santa Clara
City of Novato
City and County of San Francisco
City of American Canyon
City of Campbell
City of Oakland
County of Alameda
City of Hayward
County of Solano
City of San Ramon
City of Millbrae
County of Contra Costa
City of Clayton
County of Sonoma
City and County of San Francisco
County of Marin
City of East Palo Alto
City of Palo Alto
City of Alameda
City and County of San Francisco

Representatives Absent

Mayor Len Augustine
Councilmember Annie Campbell Washington
Supervisor Cindy Chavez
Councilmember Lan Diep
Councilmember Abel J. Guillen
Councilmember Sergio Jimenez
Director William Kissinger *
Vice Mayor Jake Mackenzie
Supervisor Nathan Miley

Jurisdiction

City of Vacaville
City of Oakland
County of Santa Clara
City of San Jose
City of Oakland
City of San Jose
RWQCB
City of Rohnert Park
County of Alameda

Councilmember Raul Peralez
Supervisor Dave Pine
Supervisor Belia Ramos

City of San Jose
County of San Mateo
County of Napa

[* Non-voting Advisory Member]

2. PUBLIC COMMENT

The following individual gave public comment: Ken Bukowski.

3. ANNOUNCEMENTS

Pak Eklund, Mayor, City of Novato, invited members to attend the Plan Bay Area 2040 public workshop and open house in Marin County.

4. PRESIDENT'S REPORT

President Pierce reported on the following:

The ABAG General Assembly and Business Meeting is on June 5, 2017.

The joint meeting of the ABAG Executive Board and the MTC Commission to adopt the Plan Bay Area 2040 and the Environmental Impact Report on Plan Bay Area 2040 will be in July.

President Pierce recognized a motion by Candace Andersen, Supervisor, County of Contra Costa, which was seconded by David Rabbitt, Supervisor, County of Sonoma, to add the following late-breaking items to the Consent Calendar: Ratification of Committee Appointment, Thom Bogue, Mayor, City of Dixon, to the Regional Planning Committee, and Adoption of Resolution No. 03-17, Accepting Grant from Metropolitan Transportation Commission for the San Francisco Bay Trail.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff (20).

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos, Spencer, Yee (14).

The motion passed unanimously.

5. ACTING EXECUTIVE DIRECTOR'S REPORT

Brad Paul, Acting Executive Director, reported on the schedule of Spring 2017 Open Houses and Public Workshops on Plan Bay Area 2040.

6. CONSENT CALENDAR

President Pierce recognized a motion by Karen Mitchoff, Supervisor, County of Contra Costa, which was seconded by David Rabbitt, Supervisor, County of Sonoma, to approve the Consent Calendar, excluding Item 6.D., Adoption of Resolution No. 01-17, Authorizing Execution of Documents in Connection with Refunding of ABAG FAN Revenue Bonds for Windemere and Use of Funds to Discharge a Reassessment; and including Ratification of

Committee Appointment, Thom Bogue, Mayor, City of Dixon, to the Regional Planning Committee, and Adoption of Resolution No. 03-17, Accepting Grant from Metropolitan Transportation Commission for the San Francisco Bay Trail.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff (20).

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos, Spencer, Yee (14).

The motion passed unanimously.

Staff reported on Item 6.D., Adoption of Resolution No. 01-17, Authorizing Execution of Documents in Connection with Refunding of ABAG FAN Revenue Bonds for Windemere and Use of Funds to Discharge a Reassessment.

President Pierce recognized a motion by Scott Haggerty, Supervisor, County of Alameda, which was seconded by David Rabbitt, Supervisor, County of Sonoma to adopt Resolution No. 01-17, Authorizing Execution of Documents in Connection with Refunding of ABAG FAN Revenue Bonds for Windemere and Use of Funds to Discharge a Reassessment.

There was no discussion.

There was no public comment.

The aye votes were: Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff (17).

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Hudson, Jimenez, Mackenzie, Miley, Mitchoff, Peralez, Pine, Ramos, Spencer, Yee (17).

The motion passed unanimously.

- A. Approval of Executive Board Summary Minutes of Meeting No. 424 held on April 20, 2017**
- B. Adoption of Resolution No. 02-17 Authorizing Conveyance of Real Property Interest to City of South Lake Tahoe in Connection with Retirement of Lease Revenue Bonds**
- C. Adoption of Debt Issuance Policy**
- D. Adoption of Resolution 01-17 Authorizing Execution of Documents in Connection with Refunding of ABAG FAN Revenue Bonds for Windemere and Use of Funds to Discharge a Reassessment**

E. Approval of Contract with The Civic Edge

7. ABAG LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT

Committee Chair Scott Haggerty, Supervisor, County of Alameda, reported on Committee activities, including the following: approval of summary minutes of meeting on April 18, 2017; report on AB 494 (Bloom), Land use: accessory dwelling units—watch, and SB 167 (Skinner), Housing Accountability Act—oppose; report on MTC and ABAG joint housing principles, and AB 686 (Santiago), Housing discrimination: affirmatively further fair housing—oppose; report on AB 1088 (Eggman), Multifamily residential housing: energy programs—support; report on legislation—bill status update, including AB 71 (Chiu), Taxes: credits: low-income housing: allocation increase—oppose, AB 1585 (Bloom), Planning and zoning: affordable housing: single application—oppose, AB 184 (Berman), Sea level rise planning: databases—support, AB 1250 (Jones-Sawyer), contract services for local governments—add to next agenda, SB 435 (Dodd), changes to Williamson Act—request for information; report on legislative workshop and reception—highlights.

President Pierce recognized a motion by Haggerty, which was seconded by Karen Mitchoff, Supervisor, County of Contra Costa, to approve the committee report, excluding SB 167 and AB 71.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff, Spencer, Yee (22).

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos (12).

The motion passed unanimously.

President Pierce recognized a motion by Haggerty, which was seconded by Greg Scharff, Mayor, City of Palo Alto, to take an oppose position on SB 167.

Members discussed SB 167; Bay Area Housing Production; meaning of bill language; local control, affordable housing and RHNA; cities do not build housing; number of housing bills; redevelopment; committee process in taking positions on legislation.

There was no public comment.

The aye votes were: Andersen, Canepa, Cortese, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rodoni, Romero, Scharff, Spencer, Yee (19).

The nay votes were: Arvanitidis, Elliott, Rahaim (3).

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos, (12).

The motion passed.

President Pierce recognized a motion by Haggerty, which was seconded by Dave Hudson, Vice Mayor, City of San Ramon, to take an oppose position on AB 71.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Cortese, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rodoni, Romero, Scharff, Spencer, (18).

The nay votes were: Arvanitidis, Elliott, Rahaim, Yee (4).

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos (12).

The motion passed.

8. ABAG FINANCE AND PERSONNEL COMMITTEE REPORT

Committee Chair Karen Mitchoff, Supervisor, County of Contra Costa, reported on Committee activities, including the following: approval of summary minutes of meeting on April 18, 2017; report on contracts between \$20,000 and \$50,000; update of proposal to create a new conduit financing Joint Powers Authority—proposed timetable; report on the Financial Reports for March 2017; deferred report on proposed Budget and Work Program for Fiscal Year 2017-2018—proposed revisions and Audited Financial Reports for June 2016 to the Executive Board.

President Pierce recognized a motion by Mitchoff, which was seconded by David Rabbitt, Supervisor, County of Sonoma, to approve the committee report.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff, Spencer, Yee (22).

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos (12).

The motion passed unanimously.

Kenneth Moy, Legal Counsel, commented on parliamentary procedures regarding calling the question which is a motion requiring a second and a two-thirds vote to approve.

9. UPDATE ON PROPOSAL TO CREATE A NEW CONDUIT FINANCING JOINT POWERS AUTHORITY—PROPOSED TIMETABLE

Kenneth Moy, Legal Counsel, reported on the proposed timetable for the proposal to create a new conduit financing Joint Powers Authority. Michael Hurtado, Financial Services

Manager, presented an update on the proposal to create a new conduit financing Joint Powers Authority. Sheelagh Flanagan, Senior Advisor, ABAG Finance Authority, reported on strategic objectives and marketing plan.

Members discussed fee schedule and marketing; naming of the new conduit financing joint powers authority; resilience program described in Budget and Work Program; the new conduit financing Joint Powers Authority organization and staffing; bringing back the naming of the new conduit financing authority to the Finance and Personnel Committee; additional revenue for ABAG; proposed timetable.

10. REPORT ON PLAN BAY AREA 2040

A. Report on Public Hearing on the Draft Plan Bay Area 2040

Staff reported on schedule of public hearings to receive oral comments on the Draft Plan Bay Area 2040, and two additional public hearings scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo.

B. Report on Public Hearing on the Draft Environmental Impact Report for Plan Bay Area 2040

Staff reported on schedule of public hearings to receive oral comments on the Draft Environmental Impact Report, and two additional public hearings scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo.

Members discussed calendaring the public hearings.

11. REPORT ON PROPOSED BUDGET AND WORK PROGRAM FOR FISCAL YEAR 2017-2018—PROPOSED REVISIONS AND AUDITED FINANCIAL REPORTS FOR JUNE 2016

Courtney Ruby, Director, Finance and Administrative Services, reported on the proposed Budget and Work Program for Fiscal Year 2017-2018, including proposed revisions and financial considerations, Audited Financial Reports for June 2016, and Financial Reports for March 2017.

Members discussed proposed revisions and budget highlights; federal or state impacts on revenue assumptions; changes to membership dues; planning positions, local engagement, and committee staffing; integrated staff; small cities representation; work plans; staff organizational chart.

The following individual gave public comment: Kirsten Snow Spaulding.

President Pierce recognized a motion by Greg Scharff, Mayor, City of Palo Alto, which was seconded by Scott Haggerty, Supervisor, County of Alameda, to forward and recommend approval of the Proposed Budget and Work Program for Fiscal Year 2017-2018, including proposed revisions, to the General Assembly.

There was no discussion.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Eklund, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Romero, Scharff, Yee (21).

The nay votes were: None.

Abstentions were: Spencer (1).

Absent were: Augustine, Campbell Washington, Chavez, Diep, Gibson McElhaney, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos (12).

The motion passed.

12. REPORT ON ABAG/MTC OPTION 7 IMPLEMENTATION ACTION PLAN

A. Report on Contract for Services

B. Report on Memorandum of Understanding

Brad Paul, Acting Executive Director, reported on updates regarding the Contract for Services and Memorandum of Understanding, including changes by the ABAG Executive Board and the MTC Commission, proposed new conduit financing authority Joint Powers Authority, ABAG unfunded liabilities, CalPERS audit of employees, selection committee for new Executive Director, facilitation of labor issues.

Members discussed selection committee for new Executive Director; ABAG's contract with CalPERS; labor union negotiations.

President Pierce made a motion by, which was seconded by Greg Scharff, Mayor, City of Palo Alto, to approve the Memorandum of Understanding, including the composition of the Interview Committee for the successor Executive Director to include the ABAG representative to MTC, at a minimum, and with the understanding that ABAG can still have an *ad hoc* committee to interview candidates and provide comments to MTC, as reported.

Members discussed the change to the Memorandum of Understanding and reviewing a strike-through/added-in document.

The following individuals gave public comment: Ken Bukowski; Michael Brinton, MTC Committee for Staff Representation.

The aye votes were: Andersen, Arvanitidis, Canepa, Cortese, Elliott, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Rabbitt, Rahaim, Rodoni, Scharff, Yee (19).

The nay votes were: Eklund, Romero, Spencer (3).

Abstentions were: Gibson McElhaney (1).

Absent were: Augustine, Campbell Washington, Chavez, Diep, Guillen, Jimenez, Mackenzie, Miley, Peralez, Pine, Ramos (11).

The motion passed.

13. ADJOURNMENT

President Pierce adjourned the meeting of the ABAG Executive Board at about 9:08 p.m.

The next meeting of the ABAG Executive Board will be on July 20, 2017.

Submitted:

/s/ Brad Paul, Acting Secretary-Treasurer

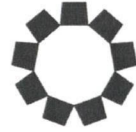
Date Submitted: June 21, 2017

Approved:

For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (415) 820 7913 or FredC@abag.ca.gov.

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

REVISED

Date: July 20, 2017

To: ABAG Executive Board

From: Executive Director

Subject: **Adoption of Resolution No. 07-17—Approval of Terminating Participation in the STARS/UTC Deferred Compensation 457 Plan**

Executive Summary

The Association of Bay Area Governments (ABAG) has offered the STARS/UTC 457 deferred compensation plan to its staff for several years. However, due to the recent consolidation of ABAG staff into the Metropolitan Transportation Commission, all contributions from ABAG staff to the STARS/UTC deferred compensation plan ceased upon the separation of ABAG staff on June 30, 2017.

Because ABAG will have only one employee remaining through the end of this calendar year, it does not have a fiduciary to oversee the STARS/UTC deferred compensation plan for its former staff and its retirees. The current employee will not be negatively affected by this recommended action. In order to discontinue ABAG's participation in the STARS/UTC 457 deferred compensation plan, the Executive Board must formally terminate ABAG's active participation in the plan. MTC staff will work with the plan to notify participants about the plan termination and options, including the provision of a rollover notice.

The resolution originally presented to the ABAG Executive Board also referenced the ICMA RC Plan, the other deferred compensation 457 plan offered by ABAG. The ICMA RC Plan will not be terminated at this time.

Adoption of Resolution No. 07-17

July 20, 2017


2

Recommended Action

The Executive Board is requested to formally terminate ABAG's active participation in the STARS/UTC Deferred Compensation 457 Plan and to authorize pertinent MTC staff person(s) to execute all documents and to take all steps reasonably necessary to implement such termination.

Attachment

Resolution No. 07-17 (Revised)



Steve Heminger

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 07-17

**TERMINATION OF ACTIVE PARTICIPATION IN THE STARS/UTC DEFERRED
COMPENSATION 457 PLAN**

WHEREAS, the Association of Bay Area Governments (ABAG) has offered the Self-Directed Tax-Advantaged Retirement Systems (STARS)/UTC 457 deferred compensation plan to its staff for several years; and

WHEREAS, due to the recent consolidation of ABAG staff into the Metropolitan Transportation Commission, effective July 1, 2017, all contributions from ABAG staff to STARS/UTC ceased upon the separation of ABAG staff on June 30, 2017; and

WHEREAS, due to the recent consolidation of ABAG staff into the Metropolitan Transportation Commission, ABAG no longer oversees the STARS/UTC deferred compensation plan for its former staff and its retirees.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 07-17**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby terminates its active participation in the STARS/UTC Deferred Compensation 457 Plan, effective June 30, 2017 and authorizes pertinent MTC staff person(s) to execute all documents and to take all steps reasonably necessary to implement such termination.

The foregoing was adopted by the Executive Board this 20th day of July, 2017.

Julie Pierce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 20th day of July, 2017.

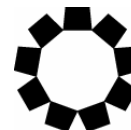
Frederick Castro
Clerk of the Board

Approved as to Legal Form

Adrienne Weil
General Counsel
Metropolitan Transportation Commission

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

Date: July 13, 2017
To: ABAG Executive Board
From: Executive Director
Subject: **Adoption of Resolution No. 08-17—Confirming CEQA Determination for Phase 4 of the Google/San Francisco Bay Trail Resurfacing Project**

Executive Summary

The San Francisco Bay Trail is a vision of a 500-mile continuous shoreline trail that will connect 47 cities and nine counties and cross seven toll bridges. Currently, 354 miles are complete and in use by the public. In Santa Clara County, the trail is a popular bicycle/pedestrian route used for recreation and car-free commutes.

In 2016, Google funded the resurfacing of a section of trail from Crittenden Lane in Mountain View to the Sunnyvale Water Pollution Control Plant, a total of 4 miles. The result was a tremendous improvement to a popular segment of the Bay Trail and that has been well-received by the landowners and the public.

Google is now embarking on the next phase of the project extending the improvements along 3.3 miles of existing Bay Trail from the Sunnyvale Water Pollution Control Plant to the City of Santa Clara terminating at the Guadalupe River. The proposed project consists mostly of deferred maintenance improvements to the existing Bay Trail, including trail repair and resurfacing, bridge surface repairs and railing enhancements, and addition of benches and interpretive signs. Sidewalk reconstruction would also be completed along a 0.1-mile road segment.

Because the project spans the boundaries of several property owners, including City of Sunnyvale, City of Santa Clara, and Santa Clara Valley Water District properties, ABAG has stepped forward as the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). Prior to July 1, ABAG staff made factual findings to support a determination that the project is Categorically Exempt under CEQA's Section 15301, Class I exemption and ABAG's Legal Counsel concurred with the staff conclusion that the project is therefore exempt.

Adoption of Resolution No. 08-17

July 13, 2017

Page 2

Next Steps


Upon adoption of Resolution No. 08-17, Bay Trail staff will file the Notice of Exemption with the Santa Clara County Clerk's Office.

Recommended Action

The Executive Board is requested to adopt Resolution No. 08-17 authorizing the filing of the Notice of Categorical Exemption under CEQA for Phase 4 of the Google/San Francisco Bay Trail Resurfacing Project.

Attachments

Resolution No. 08-17
CEQA Notice of Exemption and Project Maps



Steve Heminger

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 08-17

AUTHORIZING THE FILING OF A NOTICE OF CATEGORICAL EXEMPTION UNDER CEQA FOR PHASE IV OF THE GOOGLE / SAN FRANCISCO BAY TRAIL RESURFACING PROJECT

WHEREAS, the San Francisco Bay Trail is a visionary plan for a 500-mile continuous shoreline trail through 47 cities, nine counties and across 7 toll bridges with 354 miles complete and open to the public for hiking, jogging and bicycling along the shoreline of San Francisco Bay; and

WHEREAS, a popular section of the trail in Santa Clara County is used for recreation and as a car-free commute corridor, and in 2016 Google, Inc. financed the resurfacing of 4 miles between Mountain View and Sunnyvale, resulting in a significantly improved trail experience; and

WHEREAS, Google, Inc. plans to extend the Bay Trail improvements further through Sunnyvale, Santa Clara and San Jose along a 3.3-mile section of shoreline to improve bicyclist and pedestrian safety and function; and

WHEREAS, the project spans several shoreline properties within three municipalities (Sunnyvale, Santa Clara and San Jose) and funding for the improvements has been secured by Google, Inc.; and

WHEREAS, staff recommends that ABAG make the findings contained in, and authorize the filing of, the attached Notice of Exemption for the project.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 08-17**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby:

1. Finds that Phase IV of the Google/San Francisco Bay Trail Resurfacing Project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines 15301 as set forth in the Notice of Categorical Exemption attached to this resolution; and
2. Authorizes the Executive Director, or his designee, to file the Notice of Categorical Exemption with the County of Santa Clara.

The foregoing was adopted by the Executive Board this 20th day of July, 2017.

Julie Pierce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 20th day of July, 2017.

Frederick Castro
Clerk of the Board

Approved as to Legal Form

Adrienne Weil
General Counsel

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
 70 West Hedding Street, E. Wing, 1st Floor
 San Jose, California 95110 (408) 299-5688

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: Association of Bay Area Governments
2. PROJECT TITLE: Google-San Francisco Bay Trail Resurfacing (Phase IV)
3. APPLICANT NAME: Laura Thompson, Bay Trail Project Manager PHONE: 415-820-7935
4. APPLICANT ADDRESS: 375 Beale Street, Suite 700, San Francisco CA 94105
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)	\$ 3,078.25	\$ <u>0.00</u>
<input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,216.25	\$ <u>0.00</u>
<input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ <u>0.00</u>
<input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>	\$ 1,046.50	\$ <u>0.00</u>
<input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ <u>0.00</u>

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input checked="" type="checkbox"/> 1. <u>NOTICE OF EXEMPTION</u> (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ <u>50.00</u>
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ <u>0.00</u>

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ <u>NO FEE</u>
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8. OTHER: _____ FEE (IF APPLICABLE): \$ _____
9. TOTAL RECEIVED..... \$ 50.00

*NOTE: "**SAME PROJECT**" MEANS **NO** CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE **SUBSEQUENT** FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. (*YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.*)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2017)

CEQA NOTICE OF EXEMPTION

To: Santa Clara County Clerk-Recorder
710 West Hedding Street, First Floor
San José, CA 95110

From: Association of Bay Area Governments
375 Beale Street, Suite 700
San Francisco, CA 94105

Project Title: Google-San Francisco Bay Trail Resurfacing Project (Phase 4)

Project Location: Along the existing Bay Trail between the Sunnyvale Water Pollution Control Plant and the Guadalupe River in San José.

City: Sunnyvale, Santa Clara, San José

County: Santa Clara County

Name of Public Agency Approving Project: Association of Bay Area Governments

Description of Project: The project consists of trail maintenance improvements to an existing segment of the San Francisco Bay Trail. The project is the fourth phase of trail renovation work in Santa Clara County, and includes 3.3 linear miles of trail. Improvements include trail repair and resurfacing, minor bridge repairs, addition of benches and interpretive signs, and sidewalk reconstruction. The project would not change the length or use of the trail. The primary objective of the project is to improve bicyclist and pedestrian safety and function. The project is a voluntary improvement project funded by Google.

Name of Person or Agency Carrying Out Project: Association of Bay Area Governments

Exempt Status: Class 1, Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Reasons Why Project is Exempt: The project is limited to renovations/improvements of an existing segment of the San Francisco Bay Trail. The project would not change the use of, increase activity at, or expand the capacity of the existing Bay Trail. The improvements would not adversely affect the surrounding area.

In accordance with Section 15300.2 of the CEQA Guidelines, the attached information provides the basis for concluding that the project is not located on a hazardous waste site, would not result in a significant impact due to unusual circumstances, damage scenic resources, affect a historic resource, or result in a cumulative impact. For these reasons and those stated above, the project is exempt from the provisions of CEQA.

Lead Agency Contact Person: Laura Thompson, Bay Trail Project Manager
Association of Bay Area Governments

Signature: _____
Laura Thompson, Bay Trail Project Manager

Date: _____

PROJECT DESCRIPTION

Project Location

The proposed project alignment is located along a 3.3-mile segment of the existing San Francisco Bay Trail within the cities of Sunnyvale, Santa Clara, and San José. The trail segment extends from the Guadalupe River in San José westward to the Sunnyvale Water Pollution Control Plant (WPCP), where it connects to the trail recently improved under Phase 2 of the Google Bay Trail Resurfacing Project.

Regional and vicinity maps of the alignment are shown on Figures 1 and 2, and an aerial photograph of the project alignment and surrounding area is shown on Figure 3.

Existing Site Conditions

The San Francisco Bay Trail is a pedestrian and bicycle trail designed for continuous travel along the shoreline of the San Francisco Bay. The Association of Bay Area Governments (ABAG) developed the Bay Trail Plan in 1989 under the direction of Senate Bill 100, which called for a planned regional trail system. Approximately 350 miles of the 500-mile trail have been completed.

The Bay Trail segment comprising the proposed project alignment crosses several waterways, including the Moffett Channel, Sunnyvale East and West Channels, San Tomas Aquino Creek, Calabazas Creek, and Guadalupe Slough. These locations are within the Shoreline or 100-foot Shoreline Band jurisdiction of the Bay Conservation and Development Commission (BCDC). A portion of the trail east of the WPCP is located on a levee adjacent to the San Francisco Bay.

Portions of the Bay Trail within the three cities are surfaced with asphalt, and the remaining portions are surfaced with gravel. The 3.3-mile segment of the Bay Trail is between 9 feet and 15 feet wide.

Proposed Project

The proposed project consists mostly of deferred maintenance improvements to the existing Bay Trail, including trail repair and resurfacing, bridge surface repairs and railing enhancements, and addition of benches and interpretive signs. Sidewalk reconstruction would also be completed along a 0.1-mile road segment.

The project proposes to apply a seal coat to existing asphalt-surfaced portions of the trail, which range from 12 feet to 15 feet wide. Vegetation adjacent to the trail would be cleared as needed to apply the seal coat. Striping would be applied to the center of the trail. Gravel-surfaced portions of the trail would be resurfaced with stabilized decomposed granite (DG) overlaying geogrid fabric and compacted fill. DG portions of the trail would be widened from 9 feet to 12 feet. Sidewalk reconstruction on Lafayette Street would extend the sidewalk 8 feet into the existing roadway. Cross sections of the proposed trail surfaces are shown in Figure 4.

The project does not propose to replace any pervious surfaces with impervious surfaces, extend the length of the Bay Trail, or complete structural improvements to bridges.

Construction of the proposed project is anticipated to start in 2018 and would require approximately 120 working days.

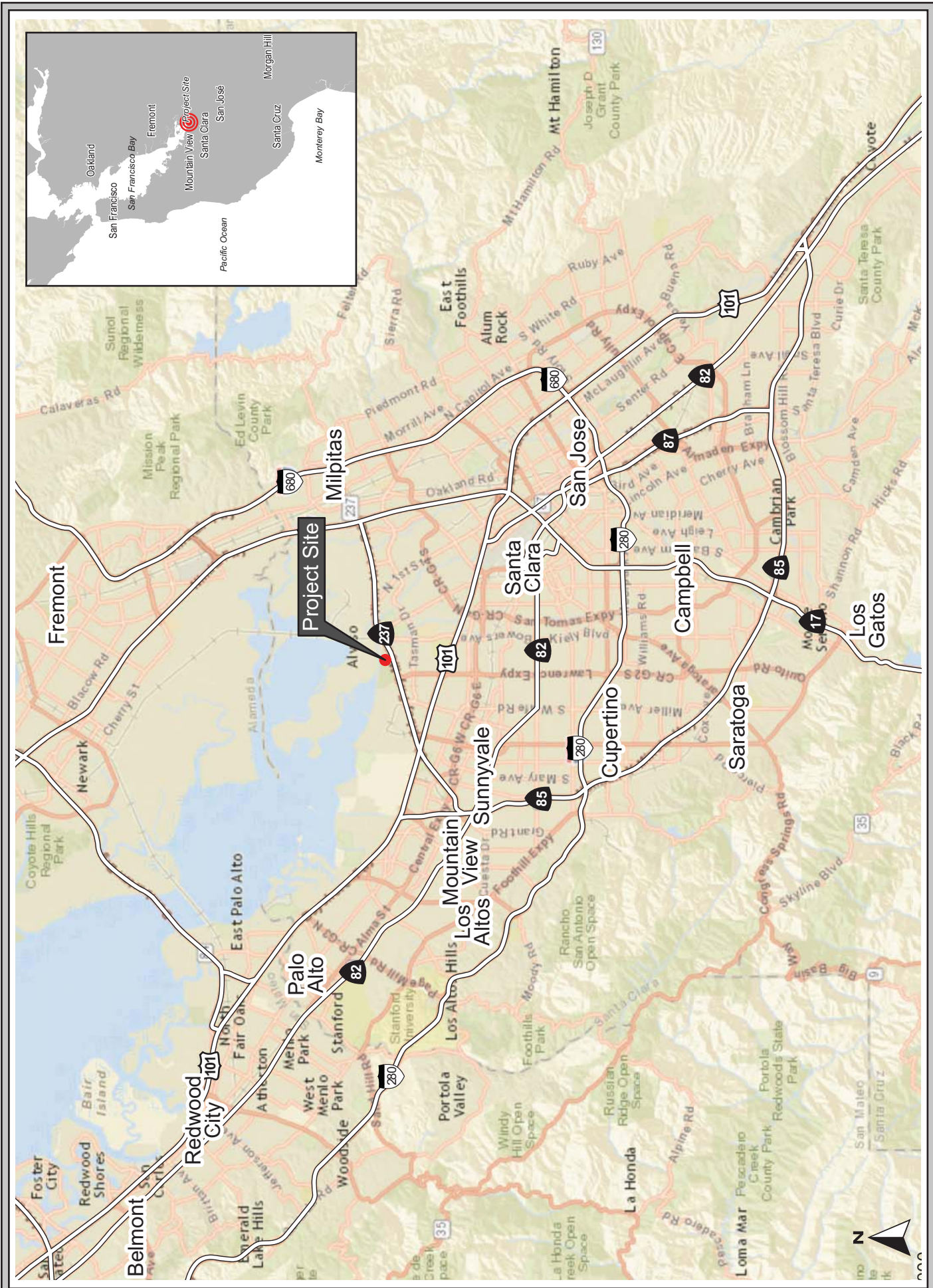


FIGURE 1

REGIONAL MAP

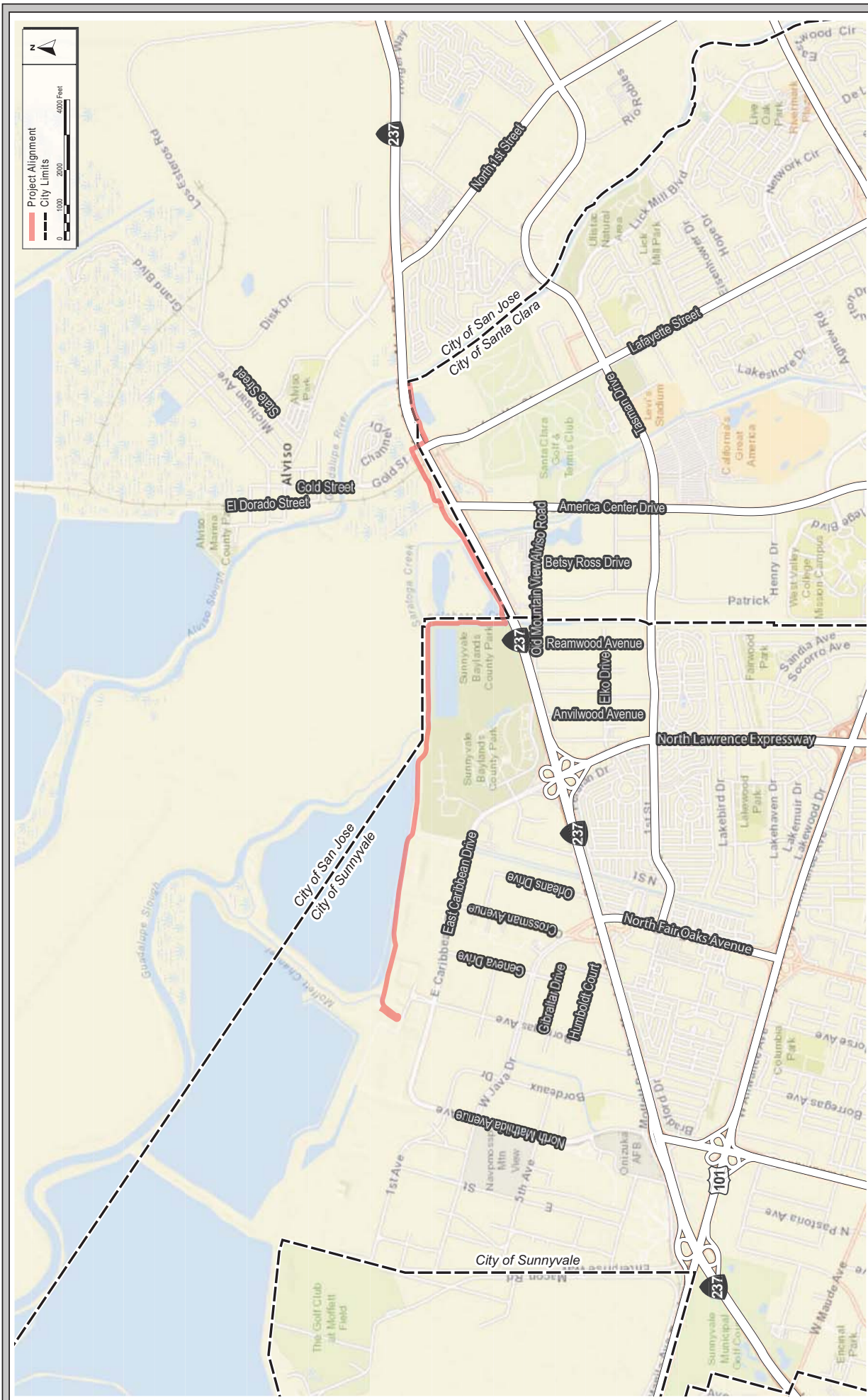


FIGURE 2

VICINITY MAP



FIGURE 3

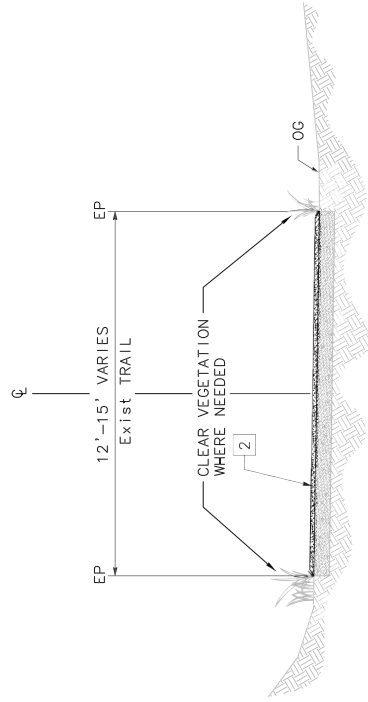
AERIAL PHOTOGRAPH

ABBREVIATIONS:

- ShId SHOULDER
- STA STATION
- ES EDGE OF SHOULDER
- ETW EDGE OF TRAVELED WAY
- Beg BEGIN
- EC END OF CURVE
- BC BEGINNING OF CURVE
- PRC POINT OF REVERSE CURVATURE
- PCC POINT OF CONCENTRIC CURVATURE
- Exist EXISTING
- H HORIZONTAL
- V VERTICAL
- EP EDGE OF PAVEMENT
- PID PERMANENT IDENTIFIER
- CL CENTER LINE

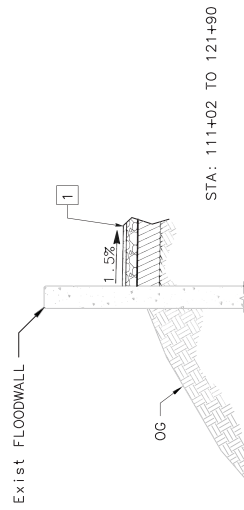
LEGEND:

- 1** 2.5" STABILIZED DECOMPOSED GRANITE
6" AGGREGATE BASE
12" OF SCARIFIED COMPACTED EXISTING MATERIAL
- 2** SEAL COAT (REED AND GRAHAM OVERKOTE ASPHALT PAVEMENT COATING)
- 3** 2.5" STABILIZED DECOMPOSED GRANITE
6" AGGREGATE BASE
12" COMPACTED ENGINEERED FILL WRAPPED IN GEOGRID
12" OF SCARIFIED COMPACTED EXISTING MATERIAL

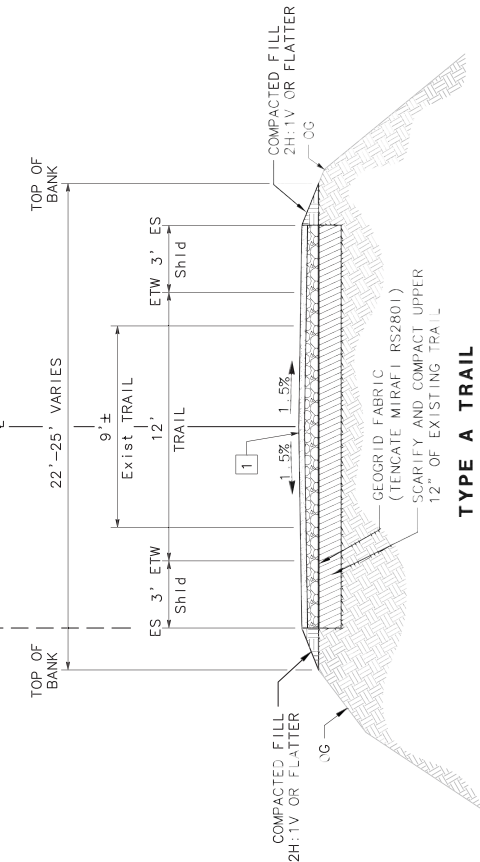


TYPE B TRAIL

- STA: 126+62 TO 127+00
- STA: 128+22 TO 147+30
- STA: 45+94 TO 157+14
- STA: 158+67 TO 166+13
- STA: 168+63 TO 171+05
- STA: 176+28 TO 190+04

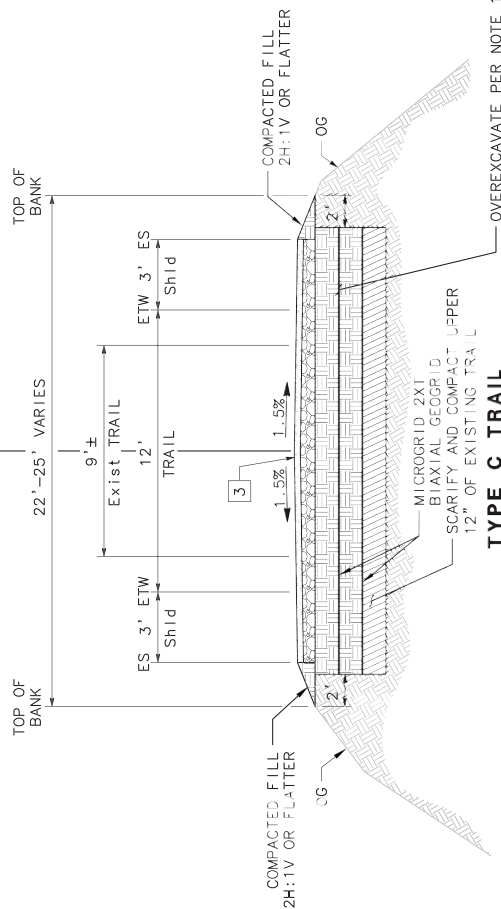


STA: 111+02 TO 121+90



TYPE A TRAIL

- STA: 35+16 TO 45+55
- STA: 46+05 TO 49+55
- STA: 50+00 TO 56+05
- STA: 56+30 TO 56+55
- STA: 58+65 TO 60+55
- STA: 60+85 TO 63+18
- STA: 89+82 TO 121+90



TYPE C TRAIL

- STA: 45+55 TO 46+05
- STA: 49+55 TO 50+00
- STA: 56+05 TO 56+30
- STA: 56+55 TO 58+65
- STA: 60+55 TO 60+85

Source: Mark Thomas, 4/21/17.

DOCUMENTATION OF PROJECT'S ELIGIBILITY FOR CLASS 1 CATEGORICAL EXEMPTION UNDER CEQA

The proposed project alignment of the San Francisco Bay Trail is located between the Guadalupe River in San José and the Sunnyvale Water Pollution Control Plant. The trail is primarily used for bicycle commuting and recreational walking and cycling.

The project consists of maintenance and renovation of the 3.3-mile trail segment, which is located within the jurisdictions of the Cities of Sunnyvale, Santa Clara, and San José. The trail segment includes asphalt- and gravel-surfaced areas, as well as a concrete sidewalk. The following list identifies the proposed improvements to the Bay Trail:

- Clear vegetation adjacent to the trail, as needed;
- Apply a seal coat to asphalt-surfaced portions of the trail;
- Widen gravel-surfaced portions of the trail from 9 to 12 feet;
- Resurface gravel-surfaced portions of the trail with stabilized decomposed granite overlaying geogrid fabric and compacted fill;
- Repair potholed and narrow portions of the trail;
- Install benches adjacent to the trail;
- Install interpretive signs adjacent to the trail;
- Complete bridge surface repairs at Calabazas Creek;
- Complete bridge railing enhancements at Calabazas Creek and San Tomas Aquino Creek;
- Apply striping along the center of (asphalt-surfaced portions of) the trail;
- Replace a 0.1-mile segment of sidewalk along Lafayette Street, extending it 2 feet into the existing roadway; and
- Apply green bicycle lane striping to the crosswalk at Lafayette Street and the Gold Street Connector.

Avoidance and Minimization Measures

Given the Bay Trail's location adjacent to the San Francisco Bay, reconnaissance field surveys and a biological memorandum were completed by *H.T. Harvey & Associates*. Several general biotic habitat types were identified in the project area: pond, tidal aquatic, coastal brackish marsh, Northern coastal salt marsh, semi-natural tree stands, ruderal grassland, and developed. The following features are included as part of the project to avoid and minimize impacts on sensitive biological resources:

Implement Erosion and Sedimentation Control. Impacts on the sensitive habitats in the project area will be minimized by employing erosion and sediment control Best Management Practices (BMPs) for work near sensitive environments. Placement of straw wattles (fiber rolls) or silt fencing along the top of bank, between the work areas and the wetted portions of the project alignment, will be implemented during construction according to an erosion control plan or Stormwater Pollution Prevention Plan (SWPPP) that will be prepared to avoid excess discharge during staging and construction. If grading is necessary below the top of bank, appropriate measures will be implemented to ensure that impacts on water quality and sensitive habitats are minimized and avoided. The following BMPs will also be implemented during construction:

- No earthwork or ground-disturbing activities will take place within wetted areas or sensitive habitats along the project alignment.
- Minimize vegetation removal.

- Stabilize construction entrances and exits to control sediment tracking.
- Provide plastic covering (such as Visqueen) for soil or debris stockpiles during construction.
- Work crews shall be educated about the impacts of trash in sensitive habitats. Enclosed trash containers shall be provided, and trash and debris shall be removed from the site daily. No litter, debris, or sediment shall be dumped into storm drains or in any habitats on site.
- Vehicles and equipment will be driven only on established roads and crossings. Routes and boundaries will be clearly marked and will be located outside the driplines of preserved trees.
- Equipment shall be staged and vehicles shall be parked only on established access roads and flat surfaces, avoiding driplines of preserved trees.
- Position survey equipment, such as motors, pumps, generators, and compressors, located adjacent to sensitive habitats over drip pans.
- Fueling, washing, and maintenance of vehicles shall occur more than 100 feet away from drainage structures. Equipment shall be regularly maintained to avoid fuel leaks. Any leaks shall be captured in containers until equipment is moved to a repair location. Hazardous materials shall be stored more than 100 feet away from drainage structures. Containment and cleanup plans will be prepared and put in place for immediate cleanup of fluid or hazardous materials spills.
- Stormwater pollution prevention inspections shall be made at appropriate intervals (frequency to be determined as part of the SWPPP preparation process, but at a minimum likely before and after rain events).
- The integrity and effectiveness of construction fencing and erosion control measures shall be inspected daily. Corrective actions and repairs shall be carried out immediately for fence breaches and ineffective BMPs.
- Work adjacent to or within aquatic, wetland, or riparian areas will not occur during rain, either unanticipated or if the forecast from the National Weather Service calls for a 40% or more chance of rain within the following 24 hours. When a rain event is forecasted, the applicant will remove all equipment and implement any erosion and sedimentation control measures called for by the SWPPP, and all project activities within riparian or wetland areas shall cease. If rain occurs, no work may proceed within wetland and riparian areas during a dry out period of at least 24 hours or until soils are stable within the work area.
- Water all active construction areas where soil is exposed to control dust frequency, depending on type of operation and wind exposure. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
- Stabilize disturbed soils with hydroseed or other appropriate erosion control BMP.
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeded, repair of silt fencing, etc.) if sedimentation or erosion is noted.
- Any temporarily affected aquatic, wetland, or riparian habitats will be restored to preconstruction elevations and contours, and be revegetated using native plant species appropriate for the salinity, elevation, and location of the affected area.

Tree Protection. Tree and root protection measures will include the following:

- Final grading and construction plans shall clearly identify the size and species of all trees proposed for removal, consistent with the arborist plan review report.
- Trees that are not scheduled for removal will be clearly marked for avoidance. Fenced enclosures for individual trees or groups of trees to be protected shall be erected at the driplines of trees, where possible, or as established by the arborist. Alternatively, trees to

remain may be flagged with wooden stakes and brightly colored nylon ropes. Soil disturbance within this protection zone will not be permitted.

- Compaction of the soil causes a significant effect on trees during construction. If compaction to the upper 12 inches of the soil profile occurs, or is proposed, then one or more of the following measures shall be implemented as recommended by the arborist:
 - Four inches of chip bark mulching shall be placed on top of the tree protection zone and enclosed within the protective fencing.
 - If compaction of the root system may result in possible suffocation, a soil aeration system shall be installed as designed and specified by an arborist.
- Paving, hardscape, and other soil compacting material that encroaches upon the tree protection zone shall include an aeration system designed by an arborist.
- Tree roots will not be left exposed to the air, and will be protected with wet burlap or peat moss until the excavated area is ready for backfill. During backfill, careful tamping and punching 12-inch holes in the compacted ground using an iron bar can help achieve the desired amount of soil aeration for regrowth.
- The ends of damaged tree roots will be cleanly removed with a smooth cut. Damaged bark will be removed with a cut that is tapered at the top to provide drainage at the base of the wood.
- During periods of drought or grading, spray the trunk, limbs, and foliage of remaining trees to remove accumulated dust.

Special-Status Plants. Special-status plant protection measures will include the following:

- During construction activities, all construction equipment shall be free of any plant material or seeds from prior projects to avoid the spread of invasive noxious weeds. Construction vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before entering the project alignment. Vehicles shall be cleaned at existing construction yards or car washes. The applicant shall document that all vehicles have been washed prior to commencing work. In addition, tools such as chainsaws, hand clippers, pruners, etc. shall be washed before entering the work area.
- Areas subject to noxious weed removal or disturbance shall be replanted with fast-growing native plants or a native erosion control seed mixture appropriate for the area.

Nesting Birds. Construction disturbance during the breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. To ensure that project activities comply with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code and to avoid impacts on nesting pairs of special-status birds, all construction activities shall be scheduled during the period September 1 through January 31 to avoid the nesting season.

Burrowing Owls. Because the project will be resurfacing existing trails that are disturbed by frequent human use, and under the assumption that all direct impacts will occur to the existing levee top and the first 2-3 feet on either side of the top of levee (i.e., areas that are close enough to frequent human activity that they would not be used as nesting or roosting sites by owls), it is assumed that burrowing owls will not be present within the direct impact area.

- Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be completed prior to the initiation of all work activities. Preconstruction surveys will be completed in conformance with the California Department of Fish and Wildlife's 2012 guidelines. An

initial habitat assessment will be conducted by a qualified biologist to determine if suitable burrowing owl habitat is present in a given area. During the initial site visit, a qualified biologist will survey the entire activity area and (to the extent that access allows) the area within 250 feet of the site for suitable burrows that could be used by burrowing owls for nesting or roosting, and the biologist will look for evidence of owl presence. If no suitable burrowing owl habitat (i.e., ruderal grasslands with burrows of California ground squirrels) is present within a given area, no additional surveys will be required. If suitable burrows are determined to be present within 250 feet of work areas, a qualified biologist will conduct an additional survey within 24 hours prior to the initiation of project work to investigate each burrow within the survey area for signs of owl use and to determine whether owls are present in areas where they could be affected by proposed activities.

- Buffer Zones. If burrowing owls are present during the non-breeding season (generally September 1 to January 31), a 160-foot buffer zone shall be maintained around the occupied burrow(s), if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls. Per the measure for nesting birds above, construction will not occur during the breeding season (February 1 to August 31).

Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew. To avoid impacts on salt marsh harvest mice and salt marsh wandering shrews in suitable habitats located north of Highway 237, a barrier will be installed at the outer limits of the work area on either side of the levee north of Highway 237 to exclude salt marsh harvest mice and salt marsh wandering shrews from the project area and to prevent dirt and other material from moving downslope into these species' habitat during construction. This barrier, which will be constructed under the guidance of a qualified biologist, will consist of a 3-foot tall, tight cloth, smooth plastic, or sheet metal (or similar material approved by the qualified biologist) fenced toed into the soil at least 3 inches deep and supported with stakes placed on the inside of the barrier. A qualified biologist will conduct a preconstruction survey of the impact area prior to construction access, and will monitor the installation of the barrier. Following the installation of the barrier, designated construction personnel will check its integrity each morning that construction activities occur, and will initiate repairs immediately as needed. No barrier is needed for work areas located south of Highway 237, as no salt marsh harvest mice or salt marsh wandering shrews are expected to occur in this area.

Environmental Education Program. An educational program will be provided by a qualified biologist for all construction staff prior to beginning work at the site. The purpose of this training session would be to familiarize personnel with the sensitive habitats and special-status species immediately adjacent to the project alignment and the measures necessary to avoid and minimize impacts to those species.

CEQA Categorical Exemption

The Association of Bay Area Governments (ABAG) has determined that the project is categorically exempt from CEQA under Class 1, *Existing Facilities*. CEQA Guidelines Section 15301 reads: “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.... The key consideration is whether the project involves negligible or no expansion of an existing use.”

ABAG is aware that there are six categories of exceptions that preclude the use of Categorical Exemptions, as listed in CEQA Guidelines Section 15300.2. These categories, followed by the reason(s) ABAG believes they are not applicable to this project, are as follows:

§15300.2 (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

By definition, this exception does not apply to Class 1 Categorical Exemptions.

§15300.2 (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is the fourth phase in a series of Bay Trail renovation projects. Previous phases consisted of trail maintenance and repair of other trail segments, and did not extend the length of the Bay Trail or replace pervious surfaces with impervious surfaces. No successive Bay Trail renovation projects are anticipated to be needed in the area for at least several years.

§15300.2 (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are hundreds of miles of existing bicycle paths throughout Santa Clara County. All of these trails periodically require maintenance, repair, and/or alteration. The proposed improvements to the Bay Trail are no different. Renovation work would consist of typical activities such as trail repair and resurfacing, minor bridge repairs, addition of benches and interpretive signs, and sidewalk reconstruction. None of this work would change the location, function, size, or capacity of the Bay Trail.

To summarize, the proposed improvements to the Bay Trail segment would be similar in scope to many other projects to renovate existing trails located throughout the county. Therefore, it is concluded that “unusual circumstances” are not present.

§15300.2 (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no designated state scenic highways in the vicinity of this segment of the Bay Trail.¹ Therefore, the exception is not applicable.

§15300.2 (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The Bay Trail segment is not located on a hazardous material site. The City of Sunnyvale Water Pollution Control Plant and Recycling Center, adjacent to the western end of the trail segment, was the subject of a Leaking Underground Storage Tank (LUST) cleanup case.² The Santa Clara County Department of Environmental Health closed the case in 2005 after the completion of soil sampling and remediation efforts. Therefore, the exemption is not applicable.

§15300.2 (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project consists of maintenance improvements to the existing Bay Trail. The project does not propose to extend the length of the trail. The trail, which was planned by ABAG in 1989, is not a historical resource. Bridge, road, and trail improvements under the proposed project would not affect a historical resource. Therefore, the exception is not applicable.

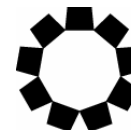
¹ California Department of Transportation. *California Scenic Highway Mapping System – Santa Clara County*. Accessed June 21, 2017. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/

² State Water Resources Control Board. *Geotracker*. Accessed June 21, 2017. Available at: <https://geotracker.waterboards.ca.gov/>

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ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

Date: July 13, 2017
To: ABAG Executive Board
From: Executive Director
Subject: **Adoption of Resolution No. 11-17— Request Approving the Acceptance of Non-Competitive Assistance Grant Funds from USGS**

Executive Summary

The HayWired project is an earthquake scenario currently underway to model and study impacts on the San Francisco Bay area from a magnitude 7.05 earthquake on the Hayward fault. The Integrated Regional Planning Department is working collaboratively with USGS to assess the HayWired Scenario with the Bay Area REMI Model.

This collaborative effort seeks to analyze the economic consequences of a large earthquake on the Hayward fault for the Bay Area to inform a policy discourse about economic resilience. The collaboration allows USGS to work effectively with Bay Area economists and to transfer economic modeling accomplishments (that have evolved across the three previous scenarios) into the domain of a recently developed economic model by ABAG.

It also allows USGS to expand the economic research base for examining the economic impacts and economic resilience for an earthquake and expand engagement with regional experts and policy informants in accordance with strategic actions in the USGS Natural Hazards Mission Area Plan. There is a good working relation already established between the USGS and ABAG with respect to hazard information and resilience building

ABAG currently has a USGS Non-Competitive grant in the amount of \$25,000 to support the work and will receive additional USGS Non-Competitive Assistance grant (CDFR 15.803, Opportunity Number G17AS0003) funds in the amount of \$50,000. The period of performance is June 26, 2017 through June 30, 2018. There are no required matching funds.

Adoption of Resolution No. 11-17

July 13, 2015

2

Recommended Action

The Executive Board is requested to adopt Resolution No. 11-17 authorizing acceptance of additional USGS Non-Competitive Assistance grant funds to assess the HayWired Scenario with the Bay Area REMI Model.

Attachment

Resolution No. 11-17



Steve Heminger

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 11-17

AUTHORIZING ACCEPTANCE OF USGS NON-COMPETITIVE GRANT

WHEREAS, the USGS HayWired project is an earthquake scenario currently underway to model and study impacts on the San Francisco Bay area from a Mw 7.05 earthquake on the Hayward fault; and

WHEREAS, the Integrated Regional Planning Program is currently utilizing a USGS Non-Competitive Assistance grant in the amount of \$25,000 to work collaboratively with USGS to assess the HayWired Scenario with the Bay Area REMI Model; and

WHEREAS, this collaborative effort seeks to analyze the economic consequences of a large earthquake on the Hayward fault for the Bay Area to inform a policy discourse about economic resilience; and

WHEREAS, ABAG will receive additional USGS Non-Competitive Assistance grant (CDFA 15.803, Opportunity Number G17AS0003) funds in the amount of \$50,000.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 11-17**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director, or his designee, to execute all documents and take actions necessary to accept the USGS Non-Competitive Assistance grant.

The foregoing was adopted by the Executive Board this 20th day of July, 2017.

Julie Pierce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 20th day of July, 2017.

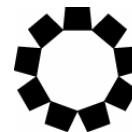
Frederick Castro
Clerk of the Board

Approved as to Legal Form

Adrienne Weil
General Counsel

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

AGENDA

LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE

Thursday, July 20, 2017, 3:30 p.m. to 5:00 p.m.

Location:

Bay Area Metro Center
Board Room
375 Beale Street
San Francisco, California

Committee Members:

Scott Haggerty, Supervisor, County of Alameda—*Chair*
David Cortese, Supervisor, County of Santa Clara—*Ex officio*
Dave Hudson, Vice Mayor, City of San Ramon
Karen Mitchoff, Supervisor, County of Contra Costa
Julie Pierce, Councilmember, City of Clayton—*Ex officio*
David Rabbitt, Supervisor, County of Sonoma—*Ex officio*
Greg Scharff, Mayor, City of Palo Alto

Committee Staff:

Randy Rentschler, Director, Legislation and Public Affairs

The ABAG Legislation and Governmental Organization Committee may act on any item on this agenda.

Agenda and attachments available at <http://abag.ca.gov/meetings/legislation.html>

This meeting is scheduled to be webcast live at <http://abag.ca.gov/meetings/legislation.html>

For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913.

1. CALL TO ORDER / ROLL CALL / CONFIRM QUORUM

2. PUBLIC COMMENT

INFORMATION

3. COMMITTEE ANNOUNCEMENTS

INFORMATION

ABAG Legislation and Governmental Organization Committee

July 20, 2017

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4. OVERVIEW AND INTRODUCTIONS

INFORMATION

Steve Heminger, MTC Executive Director

5. APPROVAL OF ABAG LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE SUMMARY MINUTES OF MEETING ON MAY 18, 2017

ACTION

Attachment: Summary Minutes of May 18, 2017

6. OVERVIEW ON GOVERNOR BROWN'S 2017-2018 STATE BUDGET

INFORMATION

Rebecca Long, MTC Government Relations Manager

Attachments: State Budget Memo; Attachment A

7. UPDATE ON KEY LEGISLATION

INFORMATION/ACTION

Rebecca Long, MTC Government Relations Manager

Attachments: Legislation Update Memo; Legislation Summary Matrix; Memo Cap and Trade Update; Memo Federal FY 2018 Transportation and Housing Appropriations

8. ADJOURNMENT

The next regular meeting of the ABAG Legislation and Governmental Organization Committee is on September 21, 2017.

Submitted:

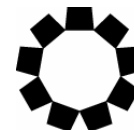
/s/ Randy Rentschler
Director, Legislation and Public Affairs

Date Submitted: July 6, 2017

Date Posted: July 13, 2017

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

AGENDA

FINANCE AND PERSONNEL COMMITTEE

Thursday, July 20, 2017, 5:00 p.m. to 6:00 p.m.

Location:

Bay Area Metro Center
Board Room
375 Beale Street
San Francisco, California

Committee Members:

Karen Mitchoff, Supervisor, County of Contra Costa—*Chair*
Greg Scharff, Mayor, City of Palo Alto—*Vice Chair*
Annie Campbell Washington, Councilmember, City of Oakland
Pradeep Gupta, Mayor, City of South San Francisco
Scott Haggerty, Supervisor, County of Alameda
Erin Hannigan, Supervisor, County of Solano
David Cortese, Supervisor, County of Santa Clara—*Ex officio*
Julie Pierce, Councilmember, City of Clayton—*Ex officio*
David Rabbitt, Supervisor, County of Sonoma—*Ex officio*

Committee Staff:

Brian Mayhew, Chief Financial Officer, Metropolitan Transportation Commission
Brad Paul, Deputy Executive Director, Local Government Services, MTC
Courtney Ruby, Director, Administrative Services and Facilities, MTC

The ABAG Finance and Personnel Committee may act on any item on this agenda.

Agenda and attachments available at <http://abag.ca.gov/meetings/financepersonnel.html>

*This meeting is scheduled to be webcast live at
<http://abag.ca.gov/meetings/financepersonnel.html>*

For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913.

1. CALL TO ORDER / ROLL CALL / CONFIRM QUORUM

2. PUBLIC COMMENT

INFORMATION

ABAG Finance and Personnel Committee

July 20, 2017

Page 2

3. COMMITTEE ANNOUNCEMENTS

INFORMATION

4. APPROVAL OF ABAG FINANCE AND PERSONNEL COMMITTEE SUMMARY MINUTES OF MEETING ON MAY 18, 2017

ACTION

Attachment: Summary Minutes of May 18, 2017

5. REPORT ON FINANCIAL REPORTS FOR MAY 2017

ACTION

Attachments: Memo Financial Reports; Indices

6. REPORT ON CONTRACTS BETWEEN \$20,000 AND \$50,000

INFORMATION

Attachment: Contracts between \$20,000 and \$50,000; Table

7. REQUEST ABAG EXECUTIVE BOARD APPROVE IN CONCEPT FORMATION OF A NEW CONDUIT ISSUER: ADVANCING CALIFORNIA FINANCE AUTHORITY (ACFA) AND DELEGATE TO THE ADMINISTRATIVE COMMITTEE EXECUTION OF A JOINT POWERS AGREEMENT FOR ACFA

ACTION

8. ADJOURNMENT

The next regular meeting of the ABAG Finance and Personnel Committee is on September 21, 2017.

Submitted:

/s/ Courtney Ruby
Director, Finance and Administrative Services

Date Submitted: July 7, 2017

Date Posted: July 13, 2017



To: Executive Board, Association of Bay Area Governments
via Finance and Personnel Committee
Fr: Executive Director
Dt: July 11, 2017
Re: Joint Powers Agreement Creating Advancing California Finance Authority

Summary and Requested Action: The Finance and Personnel Committee (F&P) is requested to recommend that the Executive Board (Board) approve in concept the formation of a successor conduit issuer to FAN and delegate to the ABAG Administrative Committee the authority to authorize execution of a joint powers agreement (JPA) between the ABAG Finance Authority for Nonprofit Corporations (FAN) and ABAG necessary to create the Advancing California Finance Authority (ACFA).

Background and Discussion: F&P has previously received briefings on this matter and approved staff proposals to move towards the formation of ACFA as a successor conduit issuer for FAN. Staff has conducted parallel discussions with the Executive Committee of FAN and at its June 28 meeting, it approved a combined budget for FAN and ACFA where FAN fully funds a budget for joint staffing for FAN and ACFA as well as marketing costs for ACFA. The budget approval was conditioned on FAN approving the JPA.

The financial services staff and senior advisor have previously presented a marketing plan that is based on their attendance at several industry conferences beginning in mid-September. In order to launch in September, ACFA must, at the very least, have adopted its Bylaws, fee schedule, debt issuance policy, financing guidelines and a schedule of regular meetings. However, since a review of the JPA by the rest of the MTC senior staff has not yet been completed, its execution by ABAG cannot be authorized by the Executive Board at its July 20 meeting.

Under these circumstances and to meet the marketing objectives, staff requests that:

1. F&P recommend that the Executive Board approve in concept ABAG's formation of a successor conduit issuer to FAN which will have the following features:
 - (a) the name of the successor conduit issuer is Advancing California Financing Authority (ACFA);
 - (b) the Board of Directors (Board) of ACFA will consist of the Chair of F&P, the President of ABAG and three (3) members of F&P jointly appointed by the Chair and the President;
 - (c) any bonds or other debt obligations of ACFA shall not be the debt of ABAG, FAN, or MTC;
 - (d) the payments for any bonds or other debt obligations of the ACFA or other costs incidental thereto, may only be made from the revenues and funds identified and pledged for such purposes in the applicable bond or debt obligation; and

(e) a primary purpose of ACFA is to provide financial resources to ABAG in support of ABAG's mission and responsibilities, as determined from time to time by the ACFA Board of Directors.

2. F&P recommend that the Executive Board delegate to the ABAG Administrative Committee the power to authorize execution of a finalized joint powers agreement, in consultation with MTC senior staff, creating ACFA and appointing its members.

The consolidated staff will be working with the FAN Executive Committee to coordinate their approval of a finalized joint powers agreement creating ACFA. After execution of the joint powers agreement we will be working with the ACFA Board of Directors and Executive Committee of ACFA and the rest of the MTC senior staff, to set up a joint orientation and work shop for the members of those bodies and to take the necessary steps to formally establish ACFA, including but not limited to the steps described above.



Steve Heminger